



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1382/P4

TJD&CMH:cjs:rs

In: 1/30/09

stays

DOA:.....Palchik, BB0361 - Wisconsin Quality Home Care Authority

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

This bill requires that an adult who 1) hires an individual home care provider other than an agency, county, or independent living center employee or a health care provider; 2) is a resident of a county that agrees to abide by certain requirements or that offers certain programs; and 3) is a recipient of a home care benefit through the Family Care Program, a medical assistance waiver program, a self-directed supports option program, an amendment to the state medical assistance plan, or the Program of All-Inclusive Care for the Elderly must comply with certain requirements with regard to the hiring of the home care provider. The requirements include hiring only a provider eligible for inclusion on a registry maintained by the Wisconsin Quality Home Care Authority (WQHCA), created in this bill, and compensating providers in accordance with any state collective bargaining agreement pertaining to home care providers.

The bill creates the WQHCA, which is a public body corporate and politic with a board of directors that is created by state law, but which is not a state agency. A majority of members of the board of directors must represent the interests of recipients of home care services. The WQHCA is subject to requirements such as state purchasing requirements, lobbying laws, and the code of ethics for public officials. The WQHCA is exempt from state employment requirements, and its

employees are excluded from the state retirement system. The bill requires the WQHCA to establish and maintain a registry of providers; provide referrals to individuals seeking home care services; determine the eligibility of providers for placement on the registry; develop a recruitment program for providers; operate a backup provider system with a 24-hour per day call service; conduct activities to improve the supply and quality of home care providers; and perform other tasks.

This bill provides home care providers collective bargaining rights under state law in a manner similar to that provided state employees under the State Employment Labor Relations Act (SELRA). The collective bargaining unit is structured as one statewide unit and DHS acts as the state employer.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 7.33 (1) (c) of the statutes is amended to read:

2 7.33 (1) (c) "State agency" has the meaning given under s. 20.001 (1) and
3 includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234,
4 or 237.

5 **SECTION 2.** 13.172 (1) of the statutes is amended to read:

6 13.172 (1) In this section, "agency" means an office, department, agency,
7 institution of higher education, association, society, or other body in state
8 government created or authorized to be created by the constitution or any law, that
9 is entitled to expend moneys appropriated by law, including the legislature and the
10 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
11 ch. 52, 231, 233, 234, or 279.

12 **SECTION 3.** 13.48 (13) (a) of the statutes is amended to read:

13 13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or
14 facility that is constructed for the benefit of or use of the state, any state agency,
15 board, commission or department, the University of Wisconsin Hospitals and Clinics

1 Authority, the Fox River Navigational System Authority, the Wisconsin Quality
2 Home Care Authority, or any local professional baseball park district created under
3 subch. III of ch. 229 if the construction is undertaken by the department of
4 administration on behalf of the district, shall be in compliance with all applicable
5 state laws, rules, codes and regulations but the construction is not subject to the
6 ordinances or regulations of the municipality in which the construction takes place
7 except zoning, including without limitation because of enumeration ordinances or
8 regulations relating to materials used, permits, supervision of construction or
9 installation, payment of permit fees, or other restrictions.

10 **SECTION 4.** 13.62 (2) of the statutes is amended to read:

11 13.62 (2) "Agency" means any board, commission, department, office, society,
12 institution of higher education, council, or committee in the state government, or any
13 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232,
14 233, 234, 237, or 279, except that the term does not include a council or committee
15 of the legislature.

16 **SECTION 5.** 13.94 (4) (a) 1. of the statutes is amended to read:

17 13.94 (4) (a) 1. Every state department, board, examining board, affiliated
18 credentialing board, commission, independent agency, council or office in the
19 executive branch of state government; all bodies created by the legislature in the
20 legislative or judicial branch of state government; any public body corporate and
21 politic created by the legislature including specifically the Wisconsin Quality Home
22 Care Authority, the Fox River Navigational System Authority, the Lower Fox River
23 Remediation Authority, and the Wisconsin Aerospace Authority, a professional
24 baseball park district, a local professional football stadium district, a local cultural
25 arts district and a long-term care district under s. 46.2895; every Wisconsin works

1 agency under subch. III of ch. 49; every provider of medical assistance under subch.
2 IV of ch. 49; technical college district boards; ~~development zones designated under~~
3 ~~s. 560.71~~; ^{plain} every county department under s. 51.42 or 51.437; every nonprofit
4 corporation or cooperative or unincorporated cooperative association to which
5 moneys are specifically appropriated by state law; and every corporation, institution,
6 association or other organization which receives more than 50% of its annual budget
7 from appropriations made by state law, including subgrantee or subcontractor
8 recipients of such funds.

note reconciliation: This is reconciled s. 13.94 (4)(a)1. This section
has been affected by draft LRB 0284.

9 **SECTION 6.** 13.95 (intro.) of the statutes is amended to read:

10 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
11 known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau
12 shall be strictly nonpartisan and shall at all times observe the confidential nature
13 of the research requests received by it; however, with the prior approval of the
14 requester in each instance, the bureau may duplicate the results of its research for
15 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's
16 designated employees shall at all times, with or without notice, have access to all
17 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
18 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
19 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
20 Authority, and the Fox River Navigational System Authority, and to any books,
21 records, or other documents maintained by such agencies or authorities and relating
22 to their expenditures, revenues, operations, and structure.

23 **SECTION 7.** 16.002 (2) of the statutes is amended to read:

24 16.002 (2) "Departments" means constitutional offices, departments, and
25 independent agencies and includes all societies, associations, and other agencies of

1 state government for which appropriations are made by law, but not including
2 authorities created in subch. II of ch. 114 or subch. III of ch. 149 and in chs. 52, 231,
3 232, 233, 234, 235, 237, and 279.

4 **SECTION 8.** 16.004 (4) of the statutes is amended to read:

5 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
6 department as the secretary designates may enter into the offices of state agencies
7 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under
8 chs. 52, 231, 233, 234, 237, and 279, and may examine their books and accounts and
9 any other matter that in the secretary's judgment should be examined and may
10 interrogate the agency's employees publicly or privately relative thereto.

11 **SECTION 9.** 16.004 (5) of the statutes is amended to read:

12 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
13 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.
14 52, 231, 233, 234, 237, and 279, and their officers and employees, shall cooperate with
15 the secretary and shall comply with every request of the secretary relating to his or
16 her functions.

17 **SECTION 10.** 16.004 (12) (a) of the statutes is amended to read:

18 16.004 (12) (a) In this subsection, "state agency" means an association,
19 authority, board, department, commission, independent agency, institution, office,
20 society, or other body in state government created or authorized to be created by the
21 constitution or any law, including the legislature, the office of the governor, and the
22 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
23 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
24 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
25 Care Authority, and the Fox River Navigational System Authority.

1 **SECTION 11.** 16.045 (1) (a) of the statutes is amended to read:

2 16.045 (1) (a) "Agency" means an office, department, independent agency,
3 institution of higher education, association, society, or other body in state
4 government created or authorized to be created by the constitution or any law, that
5 is entitled to expend moneys appropriated by law, including the legislature and the
6 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
7 ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, or 279.

8 **SECTION 12.** 16.15 (1) (ab) of the statutes is amended to read:

9 16.15 (1) (ab) "Authority" has the meaning given under s. 16.70 (2), but
10 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox
11 River Remediation Authority, the Wisconsin Quality Home Care Authority, and the
12 Health Insurance Risk-Sharing Plan Authority.

13 **SECTION 13.** 16.41 (4) of the statutes is amended to read:

14 16.41 (4) In this section, "authority" means a body created under subch. II of
15 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, or 279.

16 **SECTION 14.** 16.417 (1) (b) of the statutes is amended to read:

17 16.417 (1) (b) "Authority" means a body created under subch. II of ch. 114 or
18 ch. 52, 231, 232, 233, 234, 235, 237, or 279.

19 **SECTION 15.** 16.52 (7) of the statutes is amended to read:

20 16.52 (7) PETTY CASH ACCOUNT. Petty cash account. With the approval of the
21 secretary, each agency that is authorized to maintain a contingent fund under s.
22 20.920 may establish a petty cash account from its contingent fund. The procedure
23 for operation and maintenance of petty cash accounts and the character of
24 expenditures therefrom shall be prescribed by the secretary. In this subsection,
25 "agency" means an office, department, independent agency, institution of higher

1 education, association, society, or other body in state government created or
2 authorized to be created by the constitution or any law, that is entitled to expend
3 moneys appropriated by law, including the legislature and the courts, but not
4 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
5 52, 231, 233, 234, 237, or 279.

6 **SECTION 16.** 16.528 (1) (a) of the statutes is amended to read:

7 16.528 (1) (a) "Agency" means an office, department, independent agency,
8 institution of higher education, association, society, or other body in state
9 government created or authorized to be created by the constitution or any law, that
10 is entitled to expend moneys appropriated by law, including the legislature and the
11 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
12 ch. 149 or in ch. 52, 231, 233, 234, 237, or 279.

13 **SECTION 17.** 16.53 (2) of the statutes is amended to read:

14 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
15 invoice, the agency shall notify the sender of the invoice within 10 working days after
16 it receives the invoice of the reason it is improperly completed. In this subsection,
17 "agency" means an office, department, independent agency, institution of higher
18 education, association, society, or other body in state government created or
19 authorized to be created by the constitution or any law, that is entitled to expend
20 moneys appropriated by law, including the legislature and the courts, but not
21 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
22 52, 231, 233, 234, 237, or 279.

23 **SECTION 18.** 16.54 (9) (a) 1. of the statutes is amended to read:

24 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,
25 institution of higher education, association, society or other body in state

1 government created or authorized to be created by the constitution or any law, which
2 is entitled to expend moneys appropriated by law, including the legislature and the
3 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
4 ch. 149 or in ch. 52, 231, 233, 234, 237, or 279.

5 **SECTION 19.** 16.70 (2) of the statutes is amended to read:

6 16.70 (2) "Authority" means a body created under subch. II of ch. 114 or subch.
7 III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.

8 **SECTION 20.** 16.765 (1) of the statutes is amended to read:

9 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
10 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
11 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
12 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and
13 the Bradley Center Sports and Entertainment Corporation shall include in all
14 contracts executed by them a provision obligating the contractor not to discriminate
15 against any employee or applicant for employment because of age, race, religion,
16 color, handicap, sex, physical condition, developmental disability as defined in s.
17 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin and,
18 except with respect to sexual orientation, obligating the contractor to take
19 affirmative action to ensure equal employment opportunities.

20 **SECTION 21.** 16.765 (2) of the statutes is amended to read:

21 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
22 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
23 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
24 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and
25 the Bradley Center Sports and Entertainment Corporation shall include the

1 following provision in every contract executed by them: "In connection with the
2 performance of work under this contract, the contractor agrees not to discriminate
3 against any employee or applicant for employment because of age, race, religion,
4 color, handicap, sex, physical condition, developmental disability as defined in s.
5 51.01 (5), sexual orientation or national origin. This provision shall include, but not
6 be limited to, the following: employment, upgrading, demotion or transfer;
7 recruitment or recruitment advertising; layoff or termination; rates of pay or other
8 forms of compensation; and selection for training, including apprenticeship. Except
9 with respect to sexual orientation, the contractor further agrees to take affirmative
10 action to ensure equal employment opportunities. The contractor agrees to post in
11 conspicuous places, available for employees and applicants for employment, notices
12 to be provided by the contracting officer setting forth the provisions of the
13 nondiscrimination clause".

14 **SECTION 22.** 16.765 (4) of the statutes is amended to read:

15 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
16 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
17 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
18 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and
19 the Bradley Center Sports and Entertainment Corporation shall take appropriate
20 action to revise the standard government contract forms under this section.

21 **SECTION 23.** 16.765 (5) of the statutes is amended to read:

22 16.765 (5) The head of each contracting agency and the boards of directors of
23 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
24 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
25 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation

1 Authority, the Wisconsin Quality Home Care Authority, and the Bradley Center
2 Sports and Entertainment Corporation shall be primarily responsible for obtaining
3 compliance by any contractor with the nondiscrimination and affirmative action
4 provisions prescribed by this section, according to procedures recommended by the
5 department. The department shall make recommendations to the contracting
6 agencies and the boards of directors of the University of Wisconsin Hospitals and
7 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
8 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
9 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and
10 the Bradley Center Sports and Entertainment Corporation for improving and
11 making more effective the nondiscrimination and affirmative action provisions of
12 contracts. The department shall promulgate such rules as may be necessary for the
13 performance of its functions under this section.

14 **SECTION 24.** 16.765 (6) of the statutes is amended to read:

15 16.765 (6) The department may receive complaints of alleged violations of the
16 nondiscrimination provisions of such contracts. The department shall investigate
17 and determine whether a violation of this section has occurred. The department may
18 delegate this authority to the contracting agency, the University of Wisconsin
19 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
20 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
21 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
22 Authority, or the Bradley Center Sports and Entertainment Corporation for
23 processing in accordance with the department's procedures.

24 **SECTION 25.** 16.765 (7) (intro.) of the statutes is amended to read:

1 16.765 (7) (intro.) When a violation of this section has been determined by the
2 department, the contracting agency, the University of Wisconsin Hospitals and
3 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
4 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
5 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, or
6 the Bradley Center Sports and Entertainment Corporation, the contracting agency,
7 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
8 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
9 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
10 Authority, the Wisconsin Quality Home Care Authority, or the Bradley Center Sports
11 and Entertainment Corporation shall:

12 **SECTION 26.** 16.765 (7) (d) of the statutes is amended to read:

13 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
14 further violations of this section and to report its corrective action to the contracting
15 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
16 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
17 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
18 Authority, the Wisconsin Quality Home Care Authority, or the Bradley Center Sports
19 and Entertainment Corporation.

20 **SECTION 27.** 16.765 (8) of the statutes is amended to read:

21 16.765 (8) If further violations of this section are committed during the term
22 of the contract, the contracting agency, the Fox River Navigational System Authority,
23 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
24 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
25 Care Authority, or the Bradley Center Sports and Entertainment Corporation may

1 permit the violating party to complete the contract, after complying with this section,
2 but thereafter the contracting agency, the Fox River Navigational System Authority,
3 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
4 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
5 Care Authority, or the Bradley Center Sports and Entertainment Corporation shall
6 request the department to place the name of the party on the ineligible list for state
7 contracts, or the contracting agency, the Fox River Navigational System Authority,
8 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
9 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
10 Care Authority, or the Bradley Center Sports and Entertainment Corporation may
11 terminate the contract without liability for the uncompleted portion or any materials
12 or services purchased or paid for by the contracting party for use in completing the
13 contract.

14 **SECTION 28.** 16.85 (2) of the statutes is amended to read:

15 16.85 (2) To furnish engineering, architectural, project management, and other
16 building construction services whenever requisitions therefor are presented to the
17 department by any agency. The department may deposit moneys received from the
18 provision of these services in the account under s. 20.505 (1) (kc) or in the general
19 fund as general purpose revenue — earned. In this subsection, “agency” means an
20 office, department, independent agency, institution of higher education, association,
21 society, or other body in state government created or authorized to be created by the
22 constitution or any law, which is entitled to expend moneys appropriated by law,
23 including the legislature and the courts, but not including an authority created in
24 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, or 279.

25 **SECTION 29.** 16.865 (8) of the statutes is amended to read:

1 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
2 proportionate share of the estimated costs attributable to programs administered by
3 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
4 may charge premiums to agencies to finance costs under this subsection and pay the
5 costs from the appropriation on an actual basis. The department shall deposit all
6 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
7 Costs assessed under this subsection may include judgments, investigative and
8 adjustment fees, data processing and staff support costs, program administration
9 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
10 subsection, "agency" means an office, department, independent agency, institution
11 of higher education, association, society, or other body in state government created
12 or authorized to be created by the constitution or any law, that is entitled to expend
13 moneys appropriated by law, including the legislature and the courts, but not
14 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
15 52, 231, 232, 233, 234, 235, 237, or 279.

16 **SECTION 30.** 19.42 (10) (s) of the statutes is created to read:

17 19.42 (10) (s) The executive director and members of the board of directors of
18 the Wisconsin Quality Home Care Authority.

19 **SECTION 31.** 19.42 (13) (o) of the statutes is created to read:

20 19.42 (13) (o) The executive director and members of the board of directors of
21 the Wisconsin Quality Home Care Authority.

22 **SECTION 32.** 46.284 (4) (m) of the statutes is created to read:

23 46.284 (4) (m) Comply with any agreements under subch. V of ch. 111 relating
24 to a provider, as defined in s. 46.2898 (1) (c), hired directly by an enrollee.

25 **SECTION 33.** 46.2898 of the statutes is created to read:

1 **46.2898 Quality home care. (1) DEFINITIONS.** In this section:

2 (a) "Authority" means the Wisconsin Quality Home Care Authority.

3 (b) "Care management organization" has the meaning given in s. 46.2805 (1).

4 (c) "Provider" means an individual providing home care services who is not any
5 of the following:

6 1. An employee of a home health agency, licensed under s. 50.49, who is hired
7 through that home health agency.

8 2. An employee of a personal care provider agency who is hired through that
9 personal care provider agency.

10 3. A health care provider, as defined in s. 146.997 (1) (d) acting in his or her
11 professional capacity.

12 4. An employee of a company or agency providing supportive home care.

13 5. An employee of an independent living center, as defined in s. 46.96 (1) (ah).

14 6. An employee of a county agency or department under s. 46.215, 46.22, 46.23,
15 51.42, or 51.437.

16 (d) "Qualified provider" means a provider who meets the qualifications for
17 payment through the Family Care Program under s. 46.286, the Program for
18 All-Inclusive Care for the Elderly operated under 42 USC 1396u-4, an amendment
19 to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance
20 waiver program operated under a waiver from the secretary of the U.S. department
21 of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c)
22 and any qualification criteria established in the rules promulgated under sub. (7)
23 and who the authority determines is eligible for placement on the registry
24 maintained by the authority under s. 52.20 (1).

1 **(2) COUNTY PARTICIPATION.** (a) A county board of supervisors may require a
2 county department under 46.215, 46.22, 46.23, 51.42, or 51.437 to follow procedures
3 under this section and to pay providers in accordance with agreements under subch.
4 V of ch. 111.

5 (b) If a county acts under par. (a), it shall notify the department and the
6 authority of its action.

7 **(3) REQUIREMENTS FOR BENEFIT.** An adult individual who receives home care
8 services and who meets all of the following criteria may receive a benefit for home
9 care services only if he or she complies with sub. (5):

10 (a) The individual is a resident of one of the following:

11 1. A county that has acted under sub. (2) (a).

12 2. A county in which the Family Care Program under s. 46.286 is available.

13 3. A county in which the Program of All-Inclusive Care for the Elderly under
14 42 USC 1396u-4 is available.

15 4. A county in which the self-directed services option program under 42 USC
16 1396n (c) is available or in which a program operated under an amendment to the
17 state medical assistance plan under 42 USC 1396n (j) is available.

18 (b) The individual self-directs all or part of his or her home care services and
19 is the employer of record of a provider.

20 (c) The individual is eligible to receive a home care benefit under one of the
21 following:

22 1. The Family Care Program under s. 46.286.

23 2. The Program of All-Inclusive Care for the Elderly, under 42 USC 1396u-4.

1 3. A program operated under a waiver from the secretary of the federal
2 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n
3 (b) and (c) or the self-directed services option operated under 42 USC 1396n (c).

4 4. A program operated under an amendment to the state medical assistance
5 plan under 42 USC 1396n (j).

6 **(4) DUTIES OF HOME CARE PAYORS.** Care management organizations, the state,
7 and counties that pay for the provision of home care services to individuals shall
8 inform the authority of the name, address, and telephone numbers of any provider
9 hired by an individual receiving home care services.

10 **(5) DUTIES OF CONSUMERS:** A recipient of home care services, as described under
11 sub. (3), who hires a provider shall do all of the following:

12 (a) Hire only a provider who has been placed on the registry maintained by the
13 authority under s. 52.20 (1) or a person whose name has been submitted to the
14 authority under par. (b) and who the authority has determined is eligible for
15 placement on the registry.

16 (b) If a potential provider has not been placed on the registry maintained by
17 the authority under s. 52.20 (1), provide the name, address, and telephone number
18 of the potential provider to the authority for evaluation of eligibility for the registry
19 and for inclusion in the collective bargaining process under subch. V of ch. 111.

20 (c) Compensate providers in accordance with any collective bargaining
21 agreement that applies to home care providers under subch. V of ch. 111.

22 (d) Inform the authority of the name, address, and telephone number of any
23 provider that he or she fires.

(6) PROVIDERS. (a) A qualified provider providing home care services under this section shall be subject to the collective bargaining agreement that applies to home care providers under subch. V of ch. 111.

(b) A qualified provider may choose to be placed on the registry maintained by the authority under s. 52.20 (1).

(7) DEPARTMENT RULE-MAKING. The department may promulgate rules defining terms, including the term “home care services,” establishing the qualification criteria that apply under sub. (1) (d), and establishing procedures for implementation of this section.

(8) Any withholding of medical assistance benefits by the department for failure of the benefit recipient to comply with s. 46.2898 (5) is subject to approval by the federal centers for medicare and medicaid services.

SECTION 34. 46.48 (9) of the statutes is repealed.

SECTION 35. 46.48 (9m) of the statutes is created to read:

46.48 (9m) QUALITY HOME CARE. The department shall award a grant to the Wisconsin Quality Home Care Authority for the purpose of providing services to recipients and providers of home care under s. 46.2898 and ch. 52 and may award grants to counties to facilitate transition to procedures established under s. 46.2898.

SECTION 36. Chapter 52 of the statutes is created to read:

CHAPTER 52

QUALITY HOME CARE

52.01 Definitions. In this chapter:

(1) “Authority” means the Wisconsin Quality Home Care Authority.

(2) “Board” means the board of directors of the authority.

(3) “Care management organization” has the meaning given in s. 46.2805 (1).

(4) "Department" means the department of health services.

(5) "Family Care Program" means the benefit program described in s. 46.286.

(6) "Home care provider" means an individual who is a qualified provider under s. 46.2898 (1) (d).

(7) "Medical assistance waiver program" means a program operated under a waiver from the secretary of the U.S. department of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).

(8) "Program of All-Inclusive Care for the Elderly" means the program operated under 42 USC 1396u-4.

52.05 Creation and organization of authority. (1) CREATION AND MEMBERSHIP OF BOARD. There is created a public body corporate and politic to be known as the "Wisconsin Quality Home Care Authority." The members of the board shall consist of the following members:

(a) The secretary of the department of health services or his or her designee.

(b) The secretary of the department of workforce development or his or her designee.

(c) The following, to be appointed by the governor to serve 3 year terms:

1. One representative from the state assembly.

2. One representative from the state senate.

3. One representative of care management organizations.

4. One representative of county departments, under 46.215, 46.22, 46.23, 51.42, or 51.437, selected from counties where the Family Care Program is not available.

5. One representative of the board for people with developmental disabilities.

6. One representative of the council on physical disabilities.

1 7. One representative of the council on mental health.

2 8. One representative of the board on aging and long-term care.

3 9. Eleven individuals, each of whom is a current or former recipient of home
4 care services through the Family Care Program or a medical assistance waiver
5 program or an advocate for or representative of consumers of home care services.

6 **(3) CHAIRPERSON.** Annually, the governor shall appoint one member of the
7 board to serve as the chairperson.

8 **(4) EXECUTIVE COMMITTEE.** (a) The board shall elect an executive committee.
9 The executive committee shall consist of the chair of the board, the secretary of the
10 department of health services or his or her designee, the secretary of the department
11 of workforce development or his or her designee, and 3 persons selected from board
12 members appointed under sub. (1) (c) 9.

13 (b) The executive committee may do the following:

14 1. Hire an executive director who is not a member of the board and serves at
15 the pleasure of the board.

16 2. Hire employees to carry out the duties of the authority.

17 3. Engage in contracts for services to carry out the duties of the authority.

18 **(5) TERM.** The terms of members of the board appointed under sub. (1) (c) shall
19 expire on July 1.

20 **(6) QUORUM.** A majority of the members of the board constitutes a quorum for
21 the purpose of conducting its business and exercising its powers and for all other
22 purposes, notwithstanding the existence of any vacancies. Action may be taken by
23 the board upon a vote of a majority of the members present. Meetings of the members
24 of the board may be held anywhere within the state.

1 (7) VACANCIES. Each member of the board shall hold office until a successor is
2 appointed and qualified unless the member vacates or is removed from his or her
3 office. A member who serves as a result of holding another office or position vacates
4 his or her office as a member when he or she vacates the other office or position. A
5 member who ceases to qualify for office vacates his or her office. A vacancy on the
6 board shall be filled in the same manner as the original appointment to the board for
7 the remainder of the unexpired term, if any.

8 (8) COMPENSATION. The members of the board are not entitled to compensation
9 for the performance of their duties. The authority may reimburse members of the
10 board for actual and necessary expenses incurred in the discharge of their official
11 duties as provided by the board.

12 (9) EMPLOYMENT OF BOARD MEMBER. It is not a conflict of interest for a board
13 member to engage in private or public employment or in a profession or business,
14 except to the extent prohibited by law, while serving as a member of the board.

15 **52.10 Powers of authority.** The authority shall have all the powers
16 necessary or convenient to carry out the purposes and provisions of this chapter and
17 s. 46.2898. In addition to all other powers granted the authority under this chapter,
18 the authority may:

19 (1) Adopt policies and procedures to govern its proceedings and to carry out its
20 duties as specified in this chapter.

21 (2) Employ, appoint, engage, compensate, transfer, or discharge necessary
22 personnel.

23 (3) Make or enter into contracts, including contracts for the provision of legal
24 or accounting services.

25 (4) Award grants for the purposes set forth in this chapter.

1 (5) Buy, lease, or sell real or personal property.

2 (6) Sue and be sued.

3 (7) Accept gifts, grants, or assistance funds and use them for the purposes of
4 this chapter.

5 (8) Collect fees for its services.

6 **52.20 Duties of authority.** The authority shall:

7 (1) Establish and maintain a registry of home care providers and provide
8 referral services for individuals meeting the criteria in s. 46.2898 (3) in need of home
9 care services.

10 (2) Determine the eligibility of individuals for placement on the registry. For
11 purposes of determining eligibility, the authority shall apply the criteria described
12 in s. 46.2898 (1) (d), including any qualifying criteria established by the department
13 under s. 46.2898 (7). The authority shall also develop an appeal process for denial
14 of placement on or removal of a provider from the registry consistent with the terms
15 of the medical assistance waiver programs, the Family Care Program, an
16 amendment to the state medical assistance plan under 42 USC 1396n (j), or the
17 Program of All-Inclusive Care for the Elderly, as determined by the department.

18 (3) Comply with any conditions necessary for individuals receiving home care
19 services to receive federal medical assistance funding through a medical assistance
20 waiver program, the Family Care Program, an amendment to the state medical
21 assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the
22 Elderly.

23 (4) Develop and operate recruitment and retention programs to expand the
24 pool of home care providers qualified and available to provide home care services to
25 consumers.

1 (5) Maintain a list of home care providers included in a collective bargaining
2 unit under s. 111.825 (2g).

3 (6) Notify home care providers providing home care services of any procedures
4 for remaining a qualified provider under s. 46.2898 (1) (d) set forth by the department
5 or the authority and of the terms of a collective bargaining agreement under subch.
6 V of ch. 111.

7 (7) Provide orientation activities and skills training for home care providers.

8 (8) Provide training and support for individuals hiring a home care provider
9 regarding the duties and responsibilities of employers and skills needed to be
10 effective employers.

11 (9) Inform consumers of the experience and qualifications of home care
12 providers on the registry and home care providers identified by individual recipients
13 of home care services for employment.

14 (10) Develop and operate a system of backup and respite referrals to home care
15 providers and a 24-hour per day call service for recipients of home care services.

16 (11) Report annually to the governor on the number of home care providers on
17 the registry and the number of home care providers providing services under the
18 authority.

19 (12) Conduct activities to improve the supply and quality of home care
20 providers.

21 **52.30 Liability limited.** (1) The state, any political subdivision of the state,
22 or any officer, employee, or agent of the state or a political subdivision who is acting
23 within the scope of employment or agency is not liable for any debt, obligation, act,
24 or omission of the authority.

1 (2) All expenses incurred by the authority in exercising its duties and powers
2 under this chapter shall be payable only from funds of the authority.

3 **52.40 Health data.** Any health data or identifying information collected by
4 the authority is collected for the purpose of government regulatory and management
5 functions.

6 **SECTION 37.** 70.11 (41s) of the statutes is created to read:

7 70.11 (41s) WISCONSIN QUALITY HOME CARE AUTHORITY. All property owned by
8 the Wisconsin Quality Home Care Authority, provided that use of the property is
9 primarily related to the purposes of the authority.

10 **SECTION 38.** 71.26 (1) (be) of the statutes is amended to read:

11 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
12 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
13 Authority, of the Wisconsin Quality Home Care Authority, and of the Fox River
14 Navigational System Authority, and of the Wisconsin Aerospace Authority.

15 **SECTION 39.** 77.54 (9a) (a) of the statutes is amended to read:

16 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
17 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
18 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care
19 Authority, and the Fox River Navigational System Authority.

20 **SECTION 40.** 100.45 (1) (dm) of the statutes is amended to read:

21 100.45 (1) (dm) "State agency" means any office, department, agency,
22 institution of higher education, association, society or other body in state
23 government created or authorized to be created by the constitution or any law which
24 is entitled to expend moneys appropriated by law, including the legislature and the
25 courts, the Wisconsin Housing and Economic Development Authority, the Bradley

1 Center Sports and Entertainment Corporation, the University of Wisconsin
2 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
3 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care
4 Authority, and the Fox River Navigational System Authority.

5 **SECTION 41.** 101.177 (1) (d) of the statutes is amended to read:

6 101.177 (1) (d) "State agency" means any office, department, agency,
7 institution of higher education, association, society, or other body in state
8 government created or authorized to be created by the constitution or any law, that
9 is entitled to expend moneys appropriated by law, including the legislature and the
10 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
11 Center Sports and Entertainment Corporation, the University of Wisconsin
12 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin
13 Quality Home Care Authority, and the Wisconsin Health and Educational Facilities
14 Authority, but excluding the Health Insurance Risk-Sharing Plan Authority and the
15 Lower Fox River Remediation Authority.

16 **SECTION 42.** 111.81 (3h) of the statutes is created to read:

17 111.81 (3h) "Consumer" means a person meeting all the criteria under s.
18 46.2898 (3).

19 **SECTION 43.** 111.81 (7) (g) of the statutes is created to read:

20 111.81 (7) (g) For purposes of this subchapter only, home care providers. This
21 paragraph does not make home care providers state employees for any other purpose
22 except collective bargaining.

23 **SECTION 44.** 111.81 (9k) of the statutes is created to read:

24 111.81 (9k) "Home care provider" means a qualified provider under s. 46.2898
25 (1) (d).

1 **SECTION 45.** 111.815 (1) and (2) of the statutes are amended to read:

2 111.815 (1) In the furtherance of this subchapter, the state shall be considered
3 as a single employer and employment relations policies and practices throughout the
4 state service shall be as consistent as practicable. The office shall negotiate and
5 administer collective bargaining agreements except that the department of health
6 services, subject to the approval of the federal centers for medicare and medicaid
7 services, shall negotiate and administer collective bargaining agreements entered
8 into with the collective bargaining unit specified in s. 111.825 (2g). To coordinate the
9 employer position in the negotiation of agreements, the office, or the department of
10 health services with regard to collective bargaining agreements entered into with the
11 collective bargaining unit specified in s. 111.825 (2g), shall maintain close liaison
12 with the legislature relative to the negotiation of agreements and the fiscal
13 ramifications of those agreements. Except with respect to the collective bargaining
14 units specified in s. 111.825 (1m) and, (2) (f), and (2g), the office is responsible for the
15 employer functions of the executive branch under this subchapter, and shall
16 coordinate its collective bargaining activities with operating state agencies on
17 matters of agency concern. The legislative branch shall act upon those portions of
18 tentative agreements negotiated by the office that require legislative action. With
19 respect to the collective bargaining units specified in s. 111.825 (1m), the University
20 of Wisconsin Hospitals and Clinics Board is responsible for the employer functions
21 under this subchapter. With respect to the collective bargaining unit specified in s.
22 111.825 (2) (f), the governing board of the charter school established by contract
23 under s. 118.40 (2r) (cm) is responsible for the employer functions under this
24 subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2g),
25 the department of health services, subject to the approval of the federal centers for

1 medicare and medicaid services, is responsible for the employer functions of the
2 executive branch under this subchapter.

3 (2) In the furtherance of the policy under s. 111.80 (4), the director of the office
4 shall, together with the appointing authorities or their representatives, represent
5 the state in its responsibility as an employer under this subchapter except with
6 respect to negotiations in the collective bargaining units specified in s. 111.825 (1m),
7 and (2) (f), and (2g). The director of the office shall establish and maintain, wherever
8 practicable, consistent employment relations policies and practices throughout the
9 state service.

10 **SECTION 46.** 111.825 (2g) of the statutes is created to read:

11 111.825 (2g) A collective bargaining unit for employees who are home care
12 providers shall be structured as a single statewide collective bargaining unit.

13 **SECTION 47.** 111.825 (3) of the statutes is amended to read:

14 111.825 (3) The commission shall assign employees to the appropriate
15 collective bargaining units set forth in subs. (1), (1m) ~~and~~, and (2g).

16 **SECTION 48.** 111.825 (4) of the statutes is amended to read:

17 111.825 (4) Any labor organization may petition for recognition as the exclusive
18 representative of a collective bargaining unit specified in sub. (1), (1m) ~~or~~, or (2g)
19 in accordance with the election procedures set forth in s. 111.83, provided the petition
20 is accompanied by a 30% showing of interest in the form of signed authorization
21 cards. Each additional labor organization seeking to appear on the ballot shall file
22 petitions within 60 days of the date of filing of the original petition and prove,
23 through signed authorization cards, that at least 10% of the employees in the
24 collective bargaining unit want it to be their representative.

25 **SECTION 49.** 111.83 (1) of the statutes is amended to read:

1 111.83 (1) Except as provided in ~~sub. subs.~~ (5) and (5m), a representative
2 chosen for the purposes of collective bargaining by a majority of the employees voting
3 in a collective bargaining unit shall be the exclusive representative of all of the
4 employees in such unit for the purposes of collective bargaining. Any individual
5 employee, or any minority group of employees in any collective bargaining unit, may
6 present grievances to the employer in person, or through representatives of their own
7 choosing, and the employer shall confer with said employee or group of employees in
8 relation thereto if the majority representative has been afforded the opportunity to
9 be present at the conference. Any adjustment resulting from such a conference may
10 not be inconsistent with the conditions of employment established by the majority
11 representative and the employer.

12 **SECTION 50.** 111.83 (5m) of the statutes is created to read:

13 111.83 (5m) (a) This subsection applies only to a collective bargaining unit
14 specified in s. 111.825 (2g).

15 (b) Upon the filing of a petition with the commission indicating a showing of
16 interest of at least 30 percent of the home care providers included in the collective
17 bargaining unit under s. 111.825 (2g) to be represented by a labor organization or to
18 change the existing representative, the commission shall hold an election in which
19 the home care providers may vote on the question of representation. The labor
20 organization named in the petition shall be included on the ballot. Within 60 days
21 of the time that the petition is filed, another petition may be filed with the
22 commission indicating a showing of interest of at least 10 percent of the home care
23 providers who are included in the collective bargaining unit under s. 111.825 (2g) to
24 be represented by another labor organization, in which case the name of that labor
25 organization shall also be included on the ballot.

1 (c) If at an election held under par. (b), a majority of home care providers voting
2 in the collective bargaining unit vote for a single labor organization, the labor
3 organization shall be the exclusive representative for all home care providers in that
4 collective bargaining unit. If no single labor organization receives a majority of the
5 votes cast, the commission may hold one or more runoff elections under sub. (4) until
6 one labor organization receives a majority of the votes cast.

7 **SECTION 51.** 111.84 (2) (c) of the statutes is amended to read:

8 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
9 (1) with the duly authorized officer or agent of the employer which is the recognized
10 or certified exclusive collective bargaining representative of employees specified in
11 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified
12 exclusive collective bargaining representative of employees specified in s. 111.81 (7)
13 (b) to ~~(f)~~ (g) in an appropriate collective bargaining unit. Such refusal to bargain shall
14 include, but not be limited to, the refusal to execute a collective bargaining
15 agreement previously orally agreed upon.

16 **SECTION 52.** 111.905 of the statutes is created to read:

17 **111.905 Rights of consumer.** (1) This subchapter does not interfere with the
18 rights of the consumer to hire, discharge, suspend, promote, retain, lay off, supervise,
19 or discipline home care providers or to set terms, conditions, and duties of
20 employment.

21 (2) A home care provider is an at will provider of home care services to a
22 consumer and this subchapter does not interfere with that relationship.

23 **SECTION 53.** 111.91 (1) (cg) of the statutes is created to read:

1 111.91 (1) (cg) The representative of home care providers in the collective
2 bargaining unit specified under s. 118.825 (2g) may not bargain collectively with
3 respect to any matter other than wages and fringe benefits.

4 **SECTION 54.** 111.91 (2c) of the statutes is created to read:

5 111.91 (2c) In addition to the prohibited subjects under sub. (2), the employer
6 is prohibited from bargaining with a collective bargaining unit formed under s.
7 111.825 (2g) on any of the following:

8 (a) Policies.

9 (b) Work rules.

10 (c) Hours of employment.

11 (d) Any right of the consumer under s. 111.905.

12 **SECTION 55.** 111.92 (1) (a) of the statutes is amended to read:

13 111.92 (1) (a) Any tentative agreement reached between the office, or, as
14 provided in s. 111.815 (1), the department of health services, acting for the state, and
15 any labor organization representing a collective bargaining unit specified in s.
16 111.825 (1) ~~or~~, (2) (a) to (e), or (2g) shall, after official ratification by the labor
17 organization, be submitted by the office or department of health services to the joint
18 committee on employment relations, which shall hold a public hearing before
19 determining its approval or disapproval. If the committee approves the tentative
20 agreement, it shall introduce in a bill or companion bills, to be put on the calendar
21 or referred to the appropriate scheduling committee of each house, that portion of the
22 tentative agreement which requires legislative action for implementation, such as
23 salary and wage adjustments, changes in fringe benefits, and any proposed
24 amendments, deletions or additions to existing law. Such bill or companion bills are
25 not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may,

1 however, submit suitable portions of the tentative agreement to appropriate
2 legislative committees for advisory recommendations on the proposed terms. The
3 committee shall accompany the introduction of such proposed legislation with a
4 message that informs the legislature of the committee's concurrence with the
5 matters under consideration and which recommends the passage of such legislation
6 without change. If the joint committee on employment relations does not approve
7 the tentative agreement, it shall be returned to the parties for renegotiation. If the
8 legislature does not adopt without change that portion of the tentative agreement
9 introduced by the joint committee on employment relations, the tentative agreement
10 shall be returned to the parties for renegotiation.

11 **SECTION 56.** 230.03 (3) of the statutes is amended to read:

12 230.03 (3) "Agency" means any board, commission, committee, council, or
13 department in state government or a unit thereof created by the constitution or
14 statutes if such board, commission, committee, council, department, unit, or the
15 head thereof, is authorized to appoint subordinate staff by the constitution or
16 statute, except a legislative or judicial board, commission, committee, council,
17 department, or unit thereof or an authority created under subch. II of ch. 114 or
18 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279. "Agency"
19 does not mean any local unit of government or body within one or more local units
20 of government that is created by law or by action of one or more local units of
21 government.

22 **SECTION 57.** 281.75 (4) (b) 3. of the statutes is amended to read:

23 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
24 233, 234, or 237.

25 **SECTION 58.** 285.59 (1) (b) of the statutes is amended to read:

1 285.59 (1) (b) "State agency" means any office, department, agency, institution
2 of higher education, association, society or other body in state government created
3 or authorized to be created by the constitution or any law which is entitled to expend
4 moneys appropriated by law, including the legislature and the courts, the Wisconsin
5 Housing and Economic Development Authority, the Bradley Center Sports and
6 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
7 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
8 Authority, the Wisconsin Quality Home Care Authority, and the Wisconsin Health
9 and Educational Facilities Authority.

10 **SECTION 59.** 704.31 (3) of the statutes is amended to read:

11 704.31 (3) This section does not apply to a lease to which a local professional
12 baseball park district created under subch. III of ch. 229, the Wisconsin Quality
13 Home Care Authority, or the Fox River Navigational System Authority is a party.

14 **SECTION 9122. Nonstatutory provisions; Health Services.**

15 (1) QUALITY HOME CARE; RULES. Using the procedure under section 227.24 of the
16 statutes, the department of health services may promulgate rules under section
17 46.2898 (7) of the statutes, as created by this act, which shall remain in effect until
18 the date on which permanent rules take effect, but not to exceed the period
19 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
20 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
21 to provide evidence that promulgating a rule under this subsection as an emergency
22 rule is necessary for the preservation of public peace, health, safety, or welfare and
23 is not required to provide a finding of emergency for a rule promulgated under this
24 subsection.

SECTION 9155m. Nonstatutory provisions; Wisconsin Quality Home Care Authority.

(1) INITIAL TERMS OF WISCONSIN QUALITY HOME CARE AUTHORITY BOARD. Notwithstanding the length of terms specified for the members of the board of the Wisconsin Quality Home Care Authority specified in section 52.05 (1) (c) of the statutes, as created by this act, the initial members shall be appointed for the following terms:

(a) The members specified under section 52.05 (1) (c) 1. and 3. of the statutes, as created by this act, and 3 members specified under section 52.05 (1) (c) 9. of the statutes, as created by this act, for terms that expire on July 1, 2010.

(b) The members specified under section 52.05 (1) (c) 2., 4., and 6. of the statutes, as created by this act, and 4 members specified under section 52.05 (1) (c) 9. of the statutes, as created by this act, for terms that expire July 1, 2011.

(c) The members specified under section 52.05 (1) (c) 5., 7., and 8. of the statutes, as created by this act, and 4 members specified under section 52.05 (1) (c) 9. of the statutes, as created by this act, for terms that expire July 1, 2012.

(2) INITIAL CHAIRPERSON OF WISCONSIN QUALITY HOME CARE AUTHORITY BOARD. The secretary of the department of health services, or his or her designee, shall serve as the chairperson of the board until such time as the governor designates a member of the board to serve as its chair.

SECTION 9322. Initial applicability; Health Services.

(1) HOME CARE PROVIDERS. The treatment of section 46.2898 (5) of the statutes, as created by this act, first applies to a recipient of home care services on the date that the recipient's individual service plan is reviewed.

SECTION 9422. Effective dates; Health Services.

5 (END)

$$D_N$$

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1382/P5dn
TJD&CMH:cjs:jf

January 30, 2009

To: Laurie Palchik and Jenna Weidner:

This draft reconciles LRB-1382/P4 and LRB-0284/P2. Both LRB-1382 and LRB-0284 should continue to appear in the compiled bill.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov